

REMARKS/ARGUMENTS

1. Claim Rejections – 35 U.S.C. § 103 (a)

In this Non-Final Office Action, the Examiner stated:

Due to a bookkeeping oversight, the applicant inadvertently received a draft copy of the previous rejection in the stead of the completed copy. Despite this oversight, the arguments filed 08/12/2009, have been considered and are deemed to be persuasive. Specifically after a deeper reading of the previously cited references, there appears to be limited (if any) motivation for combining the previously cited references and thus a new grounds of rejection is provided above. The outstanding arguments are thus considered moot in light of the new grounds of rejection provided above.

Claims 22-42 stand rejected under 103(a) as being unpatentable over Crudele et al. (U.S. 2002/0099726) in view of McCuller (U.S. 2007/0168708). Applicant notes that the earliest priority date of the present application is November 19, 2003. The present application is a national stage application with an International Filing Date of October 14, 2004 (PCT/EP2004/011500). The filing date of McCuller is December 22, 2005. Hence, McCuller is not competent prior art against the present invention. Therefore, the allowance of claims is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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